



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,584	03/08/2004	Clark R. Baker JR.	TYHC:0149/FLE (P0409R)	1106
52144 7590 01/05/2009 NELLCOR PURITAN BENNETT LLC ATTN: IP LEGAL 60 Middletown Avenue North Haven, CT 06473				
EXAMINER RAMIREZ, JOHN FERNANDO				
ART UNIT		PAPER NUMBER		
3737				
MAIL DATE		DELIVERY MODE		
01/05/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Interview Summary

Application No.

10/796,584

Applicant(s)

BAKER, CLARK R.

Examiner

JOHN F. RAMIREZ

Art Unit

3737

All participants (applicant, applicant's representative, PTO personnel):

(1) JOHN F. RAMIREZ

(3) _____

(2) Jennifer Cohen

(4) _____

Date of Interview: 22 December 2008.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal (copy given to: 1) ☐ applicant 2) ☐ applicant's representative

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: _____.

Claim(s) discussed: none.

Identification of prior art discussed: Masimo.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant's legal representative requested new documentary evidence prior to filing date 03/08/04 to demonstrate that "the primary cause of noise in transmissive pulse oximetry measurements is motion artifact caused by the movement of venous blood in the finger". Applicant is planning to respond to examiner's answer and the examiner agreed to submit new evidence in the next office action.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

/John F Ramirez/
Examiner, Art Unit 3737